S.B. CIVIL WRIT PETITION NO.7090/2003

Chawant Singh Vs. Gram Panchayat, Narela and others.

Date : 13.5.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr. SL Jain, for the petitioner.
Mr. BR Mehta, for the respondents.

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Heard learned counsel for the parties.

The petitioner is aggrieved against the order dated 6.10.2003 whereby the District Collector, Chittorgarh dismissed the petitioner's revision under Section 97 of the Rajasthan Panchayati Raj Act, 1994.

According to learned counsel for the parties, the civil suit for the same property is pending before the civil court wherein the petitioner is claiming his title over the property and will be seeking a declaration of his title to the property and since the order has been passed by the Collector upholding the patta in favour of the respondent, therefore, that finding recorded by the Collector in summary proceedings may come in the way of the petitioner whereas the issue of the title of the property can well be decided by the civil court.

In view of the above submission, it is ordered that the

civil court may decide the suit in accordance with law on the basis of evidence which may be produced by both the parties and in case it finds that the petitioner has better title, then the civil court may not feel influenced by the order dated 6.10.2003 and may decide the suit accordingly.

With these observations, this writ petition is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya